

Assembly Bill 800

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CHAPTER 294

AN ACT to repeal 140.35 to 140.39; and to repeal and recreate 140.23 to 140.29 of the statutes, relating to hospital regulation and approval, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 140.23 to 140.29 of the statutes are repealed and recreated to read:

140.23 HOSPITAL REGULATION AND APPROVAL ACT. Sections 140.23 to 140.29 shall constitute the "Hospital Regulation and Approval Act".

140.24 DEFINITIONS. Whenever used in ss. 140.23 to 140.29:

(1) (a) "Hospital" means any building, structure, institution or place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment of and medical or surgical care for 3 or more non-related individuals hereinafter designated patients, suffering from illness, disease, injury or deformity, whether physical or mental, and including pregnancy and regularly making available at least clinical laboratory services, and diagnostic X-ray services and treatment facilities for surgery, or obstetrical care, or other definitive medical treatment.

(b) "Hospital" may include, but not in limitation thereof by enumeration, related facilities such as outpatient facilities, nurses', interns' and residents' quarters, training facilities and central service facilities operated in connection with hospitals.

(c) "Hospital" includes "special hospitals" or those hospital facilities providing primarily one type of medical or surgical care such as, but not in limitation thereof, orthopedic hospitals, children's hospitals, mental hospitals, psychiatric hospitals or maternity hospitals.

(2) "Board" means the state board of health.

(3) "Governmental unit" means the state, any county, town, city, village, or other political subdivision or any combination thereof, department, division, board or other agency of any of the foregoing.

140.25 PURPOSE. The purpose of ss. 140.23 to 140.29 is to provide for the development, establishment and enforcement of rules and standards for the construction, maintenance and operation of hospitals which, in the light of advancing knowledge, will promote safe and adequate care and treatment of patients in such hospitals.

140.26 APPLICATION AND APPROVAL. After January 1, 1966, application for approval to maintain a hospital shall be made to the board on forms provided by it. On receipt of an application, the board shall issue a certificate of approval if the applicant and hospital facilities meet the requirements established by the board. This approval shall be in effect until, for just cause and in the manner herein prescribed, it is suspended or revoked. The certificate of approval shall be issued only for the premises and persons or governmental unit named in the application and shall not be transferable or assignable. The board shall not withhold, suspend or revoke approval unless for a substantial failure to comply with ss. 140.23 to 140.29 or the rules and standards adopted by the board after giving a reasonable notice, a fair hearing and a reasonable opportunity to comply.

140.27 RULES AND STANDARDS. (1) The board shall promulgate, adopt, amend and enforce such rules and standards for all hospitals as defined herein for the construction, maintenance and operation of the hospitals deemed necessary to provide safe and adequate care and treatment of the patients in the hospitals and to protect the health and safety of the patients and employes; and nothing contained herein shall pertain to a person licensed to practice medicine and surgery or dentistry. The building codes and construction standards of the industrial commission shall apply to all hospitals and the board may adopt additional construction codes and standards for hospitals, provided that they are not lower than the requirements of the industrial commission. Except for the construction codes and standards of the industrial commission and except as provided in s. 140.29 (3) the board shall be the sole agency to adopt and enforce rules and standards pertaining to hospitals as defined herein.

(2) Any hospital which is in operation at the time of the effective date of any applicable rules and standards adopted under ss. 140.23 to 140.29 shall be given a reasonable time, under the particular circum-

stances, from the effective date within which to comply with such rules and standards.

(3) The board shall make or cause to be made such inspections and investigation, as are reasonably deemed necessary to obtain compliance with the rules and standards. It shall afford an opportunity for representatives of the hospitals to consult with members of the staff of the board concerning compliance and noncompliance with rules and standards.

140.28 ADVISORY COMMITTEE. (1) The board shall appoint an advisory committee which shall consist of the secretary of the board or his duly appointed representative, who shall serve as secretary of the committee at the pleasure of the board, and 8 other members, 2 of whom shall be persons of recognized ability in the field of hospital administration, one chosen from a list submitted by the Wisconsin hospital association and one chosen from a list submitted by the Wisconsin conference of Catholic hospitals; one shall be a physician of recognized ability, chosen from a list submitted by the Wisconsin state medical society; one shall be a person of recognized ability from the field of nursing, chosen from a list submitted by the Wisconsin nurses association; one shall be a person of recognized ability from the field of dentistry, chosen from a list submitted by the state dental society; one shall be a person of recognized ability from the field of hospital pharmacy, chosen from a list submitted by the state pharmaceutical association; and 2 persons chosen to represent the general public.

(a) Each member shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and except that the terms of office of the members first appointed shall expire, as designated by the board at the time of appointment, as follows: 2 at the end of the 1st year, 2 at the end of the 2nd year, 2 at the end of the 3rd year, and 2 at the end of the 4th year, after the date of appointment.

(b) The committee shall, following its appointment and annually thereafter, elect one of its members to act as chairman.

(c) Members of the committee, while serving on official business, shall receive their actual and necessary travel and subsistence expenses while serving away from their place of residence.

(d) The committee shall meet at least annually or as frequently as the board deems necessary at a time and place to be established by the state health officer. Upon request of 3 or more members the board shall call a special meeting of the committee.

(2) The function of the advisory committee shall be to develop and recommend a uniform code of rules and standards for the consideration of the board and to consult and advise with the board in matters of policy affecting the adoption, amendment, interpretation and enforcement of rules and standards authorized under ss. 140.23 to 140.29. The advisory committee shall review proposed rules and revisions of rules and make recommendations to the board.

140.29 EXEMPTIONS AND ENFORCEMENT. (1) Sections 140.23 to 140.29 and the rules adopted pertaining thereto shall apply to all facilities coming under the definition of a "hospital" which are not specifically exempt by ss. 140.23 to 140.29.

(2) The use of the title "hospital" to represent or identify any facility which does not meet the definition of a "hospital" as provided herein or is not subject to approval under ss. 140.23 to 140.29 is prohibited, except that institutions governed by ss. 50.01, 51.24 and 51.25 are exempt.

(3) Facilities now governed by ss. 45.365, 48.62, 49.14, 49.171, 50.01, 50.02, 50.06, 51.24, 51.25, 51.36, 58.06, 146.30 and the offices and clinics

of persons licensed to treat the sick under chs. 147 and 152 are exempt from ss. 140.23 to 140.29 and nothing in this act shall abridge the rights of the state board of medical examiners, state board of dental examiners, state board of pharmacy and state board of nursing in carrying out their statutory duties and responsibilities.

(4) All orders issued by the board pursuant to ss. 140.23 to 140.29 shall be enforced by the attorney general. The circuit court of Dane county shall have jurisdiction to enforce such orders by injunctive and other appropriate relief.

SECTION 2. 140.35 to 140.39 of the statutes are repealed.

SECTION 3. This act shall take effect upon passage and publication except SECTION 2 shall take effect on the date when rules and standards adopted by the state board of health pursuant to the provisions of SECTION 1 of this act become effective.

Approved September 10, 1965.
